IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

Poonam Chand Versus State of Rajasthan.

S.B.CRIMINAL REVISION NO. 131/1992
against the judgment & Order dated
24.3.1992 passed by Additional Sessions
Judge, Bali in Criminal Revision No.29/91
and 39/91.

Date of Order : 24/05/2006

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Arvind Samdaria for the petitioner.
Mr. J.P.S.Choudhary, public prosecutor for the State.

BY THE COURT:-

By the instant criminal revision petition, the petitioner has challenged the judgment and order dated 24.3.1992 passed by Additional Sessions Judge, Bali (for short 'the revisional court' hereinafter), in Criminal Revision Nos.

29/91 and 39/91 whereby the revision petition filed by the petitioner was dismissed and revision petition No.39/91 filed by non-petitioners No. 2 to 11 was partly allowed by setting aside the order framing charge for the offence under Section 193 IPC against non-petitioners No. 4 to 11, however, order framing charge against non-petitioners No. 2 and 3 was maintained. Aggrieved by the order impugned, the petitioner has filed the instant revision petition.

I have heard learned counsel for the petitioner and public prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioner that the land bearing Khasra No. 317 measuring 2½ bigha situated at Takhatgarh was originally recorded as Khatedari land of Panna S/o Bhuta which was purchased by Mahajan Panchas on 1.5.1967 by a registered sale deed and thereafter from the date of purchase the said land vested in Mahajan Panchas. Khatedar Panna S/o Bhuta expired. However, after expiry of Panna, his sons non-petitioners No. 2 and 3 Chhoga Ram and Hazari gifted the land of said Khasra to Kundeshwar Mahadev which was accepted by non-petitioners No.4 to 11 knowing it that the land had earlier been sold to Mahajan Panchas. The revisional court, on scrutiny of the

material available on record, came to the conclusion that the non-petitioners No. 2 and 3 committed the offence punishable under Section 193 IPC as they are sons of deceased Panna who said to have sold the land to Mahajan Panchas and therefore, committed the offence under Section 193 IPC. So far as the other non-petitioners No. 4 to 11, who said to have accepted the land in gift, are concerned, there being no evidence that they had the knowledge of transfer of said land by registered sale deed dated 1.5.1967. Obviously, subsequent gift by non-petitioners No. 2 and 3 to non-petitioners No. 4 to 11 was on 26.12.1978 almost after more than 11 years from the original sell in favour of Majanan Panchas. Accordingly, the revisional court maintained the order framing charge against the sons of Panna i.e. non-petitioners No. 2 and 3, however, set aside the order framing charge against non-petitioners No. 4 to 11. The petitioner has already availed one revision before the revisional court and this is second revision. The second revision is barred by Section 397 (3) Cr.P.C., which provides that if an application under this section has been made by any person either to the High Court or to the Sessions Judge, no further application by the same person shall be entertained by the either of them. In view of the specific bar, second revision petition filed by the petitioner as such is not maintainable. Even otherwise, on the merit of the case, the petitioner has absolutely no case as the

order of revisional court does not suffer from any error, illegality or perversity.

The revision petition is accordingly dismissed.

(H.R.PANWAR),J.

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